

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

The Annuity, Welfare and Apprenticeship Skill Improvement & Safety Funds of the International Union of Operating Engineers Local 15, 15A, 15C & 15D, AFL-CIO et al.

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

J & A Concrete Corp.

**08 CIV. 3377**

**JUDGE HOLWELL**

TO: (Name and address of defendant)

J & A Concrete Corp.  
1676 Washington Avenue  
Bohemia, New York 11716

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

BRADY McGUIRE & STEINBERG, P.C.  
603 WARBURTON AVENUE  
HASTINGS-ON-HUDSON, NEW YORK 10706

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

CLERK

DATE

**APR 07 2008**

(BY) DEPUTY CLERK

## AFFIDAVIT OF SERVICE

Index #: 08 CIV.3377

Date Filed: April 7, 2008

Court Date:

Assigned Justice:

UNITED STATES DISTRICT COURT: SOUTHERN DISTRICT

COUNTY

ATTORNEY(S): : PH:

ADDRESS: File No.: 52099

The Annuity, Welfare and Apprenticeship Skill Improvement & Safety Funds of the International Union of Operating Engineers Local  
15, 15A, 15C, & 15D, AFL-CIO

VS.

Plaintiff(s)/Petitioner(s)

J&amp;A CONCRETE CORP.

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF SUFFOLK SS.:

KATHERINE WELLER, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years  
of age and resides in New York State. On Friday, April 11, 2008 at 1:30PM

at 1676 WASHINGTON AVENUE BOHEMIA, NY 11716 deponent Served the within

## Summons In A Civil Case and Complaint

on: J&amp;A CONCRETE CORP.

Defendant therein named.

The index number and the filing date of the action were endorsed upon the face of the papers so served herein.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person.

#2 CORPORATION ☒ By delivering to and leaving with JACK MARTINS - VICE PRESIDENT and that  
deponent knew the person so served to be the authorized agent of the corporation, and said person stated that he/she was authorized  
to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to a person of suitable age and discretion.  
Said premises is recipient's: ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house  
(place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

#5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service under the last two sections by depositing a true copy of each document to the  
the above address in a 1st Class postpaid properly addressed envelope not indicating that mailing was from an attorney or concerned legal  
action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post  
Office in the State of New York.

#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
(use with #1, 2 or 3) Sex: Male Color of skin: White Color of hair: Black Age: 40-45 Height: appx. 5'10"  
Weight: appx. 160-170 Other Features:

#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC ☐ Your deponent asked person spoken to whether the defendant was in the active military service of the United States or N. Y. State and  
received a negative reply. Upon information and belief I have; being based on the conversation and observations above narrated, defendant  
is not in the military service.

#10 OTHER ☐

Sworn to before me on this 14 day of APRIL, 2008

DIANNE GONZALEZ-PRINGLE  
NOTARY PUBLIC, State of New York  
No. 01GO8025621, Qualified in Suffolk County  
Term Expires June 01, 2011

Katherine Weller  
KATHERINE WELLER

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